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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 989,417	11-21-2001	Cheng-Shing Lai	3313-0411P	9777

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EXAMINER

LEA EDMONDS, LISA S

ART UNIT PAPER NUMBER

2835

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,417

Applicant(s)

LAI ET AL.

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 12 is/are rejected.
- 7) ☒ Claim(s) 4 and 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 5, 8, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitations "the front side" in line 2, "the inside" in line 3, and "the back side" in line 7. Claim 2 recites the limitations "the adjacent sides" in line 3. Claim 5 recites the limitations "the elastic element" in line 2. Claim 8 recites the limitations "the back side" in lines 3 and 16-17. There is insufficient antecedent basis for these limitations in the claims. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted element is a first retain finger. Applicant claims a "second retain finger", in claim 12, however, applicant does not claim a "first retain finger" in claim 12 nor claim 8, which claim 12 depends from.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anzai et al. (631101) in view of Wicks (5673169). With respect to claims 1, 2, 5, and 7, Anzai et al. teaches a hand-held electronic device (100) comprising a device body (10, 30) having a display screen (11) on a front side; an extensible support frame (20) pivotally engaged with a back side of the device body (10,30) as claimed (see for example figures 1-19 and column 5 line 30 through column 10 line 6). However, Anzai et al. lacks a clear teaching of the hand-held electronic device (100) comprising a hidden keyboard; a housing chamber; and an elastic element as claimed. The apparatus of Wicks is relied upon for its teaching of a hand-held electronic device (100) comprising a device body (16); a hidden keyboard (24) movably attached in a housing chamber (26), wherein the keyboard (24) has a stub shaft (36, 38) and at least one pulling section (see column 3 lines 59-65); a device body (100) has a guide channel (40, 42); and an elastic element (52) as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wicks into the apparatus of Anzai et al. to provide the user with a complete and compact hand held device which contains all the elements of a standard portable computer in a reduced size.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anzai et al. in view of Wicks as applied to the claim above, and further in view of Sellers (5629832). With respect to claim 3, the apparatus of Anzai et al. as modified by Wicks (see the above 103 rejection of claims 1, 2, 5, and 7), lacks a clear teaching of the guide channel (40, 42) including a liner chute and a curved chute as claimed. The apparatus of Sellers is relied upon for its teaching of a device body (14) comprising a guide channel having a linear chute (48) and a curved chute (48a) to aid in the movement of a keyboard (10) with a stub shaft (50) as claimed (see for example figures 1-2B). It would have been obvious to one of ordinary skill in the art at

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the time the invention was made to incorporate the teachings of Sellers into the apparatus of Anzai et al. as modified by Wicks to aid in moving and restraining the keyboard (10).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anzai et al. in view of Wicks as applied to the claim above, and further in view of Walters, II et al. (D298537). With respect to claim 3, the apparatus of Anzai et al. as modified by Wicks (see the above 103 rejection of claims 1, 2, 5, and 7), lacks a clear teaching of the a keyboard (24) as claimed. The apparatus of Walters, II et al. is relied upon for it's teaching of a keyboard with at least one foot as claimed (see for example figures 3, 5, 6, and 8-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Walters, II et al. into the apparatus of Anzai et al. as modified by Wicks to aid in inclining the keyboard.

Allowable Subject Matter

7. Claims 4 and 8-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: with respect claim 4, the prior art of record neither teaches nor fairly suggest the elastic anchor means including an anchor ball and an elastic element pushing the anchor ball against the guide channel as claimed; with respect claims 8-12, the prior art of record neither teaches nor fairly suggest the support frame including at least a main bracket and a secondary bracket as claimed; in combination with the other limitations of the claims.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the apparatus of Iino (D324,855); Lucente et al. (5287245), Kuo et al. (6556430), Franzen (D360,193), England (6483445), Kurokawa et al. (5927673), SAWAGASHIRA et al. (JP 07013658 A), and HORN, HANS-JOACHIM (DE 3914857 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 703-305-0265. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1782.

Lisa Lea-Edmonds
Examiner
Art Unit 2835

June 3, 2003

